

Remarks

Claims 1 and 3-17 are pending in the application. Claims 13-17 were withdrawn from consideration by the Examiner.

Claims 1 and 3-12 were rejected under 35 USC 102(b) as being anticipated by Hartvigsen et al. (US 5,376,472) (hereafter, "Hartvigsen"). The Applicant respectfully traverses. Hartvigsen cannot support the asserted rejection for at least the reason that Hartvigsen does not disclose "a stacked cell unit including a plurality of stacked cells having separators; wherein the stacked cell unit has a stacked cell unit side surface facing an internal manifold that is formed so as to pass through the separators *in a cell-stacking direction*" (emphasis added) as recited in claim 1. Please see FIG. 1 and paragraph [0033] of the present specification, for example.

Instead, the structures described in Hartvigsen are in a plane of an "interconnect 10," not in a cell-stacking direction as in the present invention. Please see the below annotated copy of Fig. 2 from Hartvigsen.

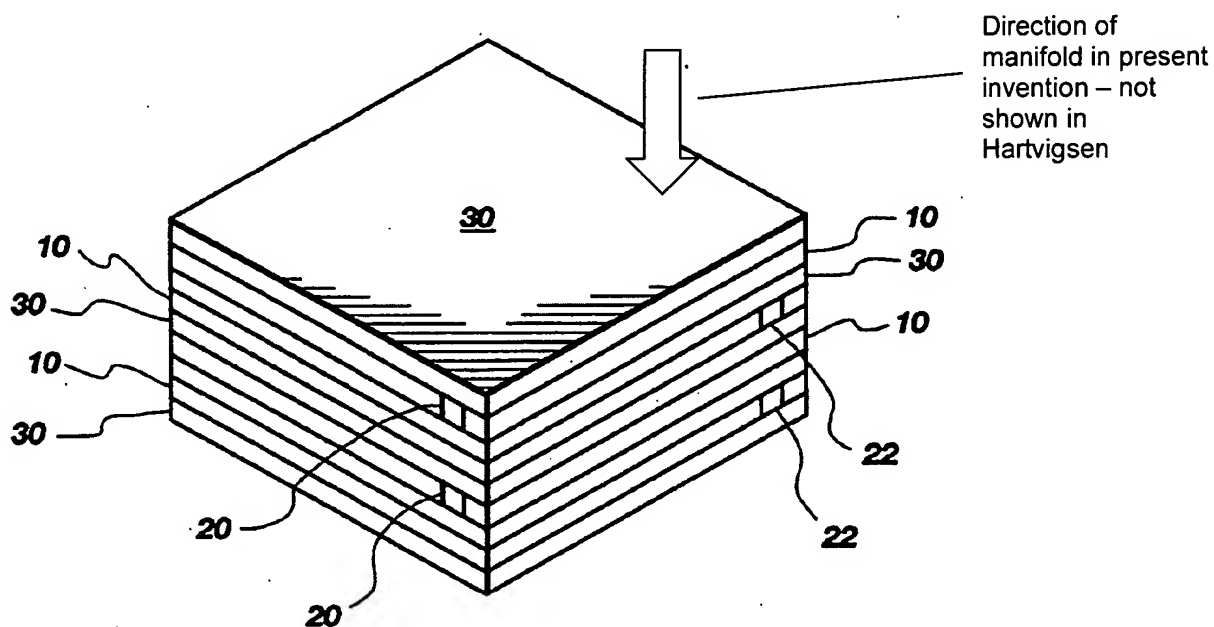


Fig. 2

In view of the above, withdrawal of the rejection is respectfully requested.

Claim 12 was rejected under 35 USC 103(a) as being unpatentable over Hartvigsen in view of Grasso et al. (US 2004/0048136 A1). The Applicant respectfully traverses. Claim 12 depends on claim 1 and is therefore allowable over Hartvigsen for at least the reasons discussed above. Claim 12 is further allowable over Grasso for at least the reasons discussed above, in particular because Grasso does not suggest an *internal* manifold that is formed so as to pass *through* the separators, as recited in claim 1. Instead, in Grasso, the manifold 119 is formed as a sleeve, and a cell stack 121 is inserted *inside* the manifold 119. Grasso's manifold is therefore neither internal nor through a cell stack. Withdrawal of the rejection is therefore respectfully requested.

JP-A-8-162143

The reference JP-A-8-162143 is submitted herewith in an IDS. This reference discloses, in paragraph [0028], as follows: "In the fuel cell of the 2nd example, it has the enveloping layer 360 formed in the field of the veranda of a collector 20 with the same ingredient as the enveloping layer 60 of the 1st example among the inner skin of the breakthroughs 22, 24, 32, and 34 of a collector 20 so that it may illustrate. An enveloping layer 360 carries out the laminating of an electrolyte membrane 12, a gas diffusion electrode 14, a collector 20, and the seal member 40. Before attaching an end plate 50 in both the laminating edge, a nozzle with tubing is inserted inside the passage 22a and 24a for feeding and discarding of the oxidation gas which the breakthroughs 22, 24, 32, and 34 of a collector 20 form, and the passage 32a and 34a for feeding and discarding of fuel gas. Liquefied rubber is sprayed from a nozzle and the coat by liquefied rubber is formed inside the passage 22a, 24a, 32a, and 34a for feeding and discarding, and this is dried and it is formed." (From a machine translation.) Thus, the reference only discloses a manifold with a rubberized surface, not a surface smoothed by machining as in the present claims. Therefore, the claims are allowable over JP-A-8-162143.

Conclusion

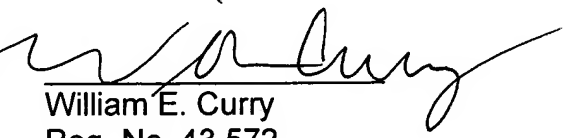
In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: OCT. 25, 2006

By:


William E. Curry
Reg. No. 43,572

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201